

BOARD OF SUPERVISORS

Brown County



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LAND CONSERVATION SUBCOMMITTEE

**LAND CONSERVATION SUBCOMMITTEE**

**Monday, April 26, 2010  
6:00 p.m. (PD&T to Follow)  
Auditorium, UW-Extension  
1150 Bellevue Street**

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Election of Chair.
- IV. Election of Vice Chair.
- V. Approve/Modify Minutes of Land Conservation Subcommittee of March 22, 2010.

**Communications**

- 1. Communication from Supervisor Scray re: With fears of revenue from State and Federal sources being cut, I am asking each Department Head to decide ahead of time where they could cut another 10%, if needed, while doing their budget process. This may include mandated services that department heads feel are not beneficial to County and the penalties are not severe. *Held for one month.*
- 2. Review and Approve: Resolution Supporting the Attorney General and Governor of Wisconsin to Pursue Remedies to Stop Asian Carp Species from entering Lake Michigan and Protect Wisconsin Interests (5 minute video on Asian Carp).
- 3. Review and Approve Proposed Changes to Brown County Animal Waste Management Ordinance related to permits requesting storage of animal waste and other wastes (industrial, municipal, septic) in Brown County Animal Waste Management Ordinance Permitted Facilities.
- 4. Land and Water Conservation Department Monthly Budget Update (copy to be provided at meeting).
- 5. Budget Adjustment Request (#10-34): Increase in expenses with offsetting increase in revenue (see attached).
- 6. Director's Report.
- 7. Such Other Matters as Authorized by Law.

Norb Dantinne, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY**  
**LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, March 22, 2010 in Room 161, UW-Extension -1150 Bellevue Street, Green Bay, Wisconsin

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**Present:** Norb Dantinne, Bernie Erickson, Dan Haefs, Dave Kaster  
**Excused:** Mike Fleck, Norb VandeHei  
**Also Present:** Bill Hafs, Jon Bechle, Jim Jolly, Dave Wetenkamp  
Tom Hinz, Jayme Sellen  
Other Interested Parties, Media

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**I. Call Meeting to Order:**

The meeting was called to order by Chairman Norb Dantinne at 5:35 p.m.

**II. Approve/Modify Agenda:**

Addition of 13a

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to approve the agenda as amended. MOTION APPROVED UNANIMOUSLY**

**III. Approve/Modify Minutes of Land Conservation Subcommittee of December 28, 2009:**

**Motion made by Supervisor Erickson and seconded by Supervisor Haefs to approve the minutes. MOTION APPROVED UNANIMOUSLY**

**1. Variance Requests from Quiet Crest Farms to build a barnyard within 100 feet of a neighbor property line. (See attachment):**

Notice of Intent (Animal Feedlot) distributed by Dave Wetenkamp, Engineering Technician, LCC Department, signed by Kevin and Lisa Collins, neighbors of Quiet Crest Farm, indicating they have no objections with placing the feedlot within 100 feet of their property line (attached).

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to approve the variance request from Quiet Crest Farms.**

Supervisor Haefs asked for reconsideration of the motion, stating that a hardship is usually required for approval of a variance. He indicated that just because the neighbor approves, he may do that to be neighborly, and may not always be the neighbor. LCC Director, Bill Hafs, explained that the hardship is economic and necessary to increase operations. Supervisor Haefs asked that if approval is given, it be more specific.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to approve the 46 foot variance for a barn and proposed barn per the specific drawings. MOTION APPROVED UNANIMOUSLY**

**2. Report on March 10, 2010 meeting with Todd Parczick – Cow Manure-2-Energy:**

Minutes from the Kick Off Meeting for Manure Issues held on 3-1-2001 was distributed, along with a copy of the power point presentation (attached). Haefs reported that information was provided at the meeting which was found to be consistent with the Land & Water Conservation Department goals of sustaining the dairy livestock industry and protecting surface and groundwater resources in Brown County. Haefs offered department support by joining in grant applications that can help start the bio systems described, and also offered technical assistance to review any proposals that may be developed. Haefs indicated that staff member, Brad Holtz, has worked on composting and waste transformation projects for over 5 years and could be helpful from a technical assistance standpoint. In addition, Brent Peterson could be of assistance regarding agronomic technical assistance.

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**3. Review of Brown County Subsidies to Agriculture (Materials will be handed out at meeting):**

Information related to "Brown County USDA Subsidies" was distributed to committee members for review. Haefs stated the last report was dated 2006 and covered a 10 year period.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**4. Review of Animal Waste Management Ordinance Provisions regarding New Technology:**

Haefs reported there has been an Animal Waste Ordinance in effect since the early 1980's which regulates the construction of animal waste storage facilities, setbacks, etc. Although during that time there have been no requests for "other waste facilities", the department has recently received a request to design a facility for industrial waste. As the ordinance does not address this, meetings have been held with legal counsel and the DNR. Staff recommendation, per the DNR, is to issue a joint permit. Haefs requested that the committee refer the matter to legal counsel to come back with language which will address the matter.

**Motion made by Supervisor Haefs and seconded by Supervisor Kaster to direct staff to draft appropriate language into the current code/ordinance. MOTION APPROVED UNANIMOUSLY**

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to draft the appropriate resolution to the DNR and bring back to committee.  
MOTION APPROVED UNANIMOUSLY**

**5. Review and Approve 2009 Land & Water Conservation Department Annual Report and 2010 Annual Work Plan:**

The 2009 Annual Report and 2010 Work Plan was highlighted by Director Haefs, who pointed out several projects which have been delayed contingent on funding and staff time.

**Motion made by Supervisor Erickson and seconded by Supervisor Haefs to approve. MOTION APPROVED UNANIMOUSLY**

**6. Update on Grant Applications for Great Lakes Restoration Initiative:**

**a. Baird Creek Riparian Protection Project RFP - \$377,354:**

This project will focus on buffer strip installation in key sections of the Baird Creek watershed to reduce agriculture nutrient, sediment, and pesticide loading and ultimately the lower Fox River and Bay of Green Bay.

**b. Improving Water Quality with FGD Gypsum in Green Bay's Lower Fox River - \$597,218:**

This project will focus on field testing of gypsum application to agricultural crop fields as a soil amendment in key high P testing fields of the lower Fox River Watershed to reduce agriculture nutrient and sediment loading to the lower Fox River and Bay of Green Bay.

**c. Improving Water Quality in Lower Fox River – Green Bay TMDL by Reduction of Soil Phosphorus Levels by Relocation of Animal Waste from High Phosphorus Fields to Low Phosphorus Fields - \$537,389:**

This project will focus on reduction of soil phosphorus levels in high phosphorus agriculture fields of the lower Fox River Watershed to reduce agriculture nutrient and sediment loading to the lower Fox River and the Bay of Green Bay.

**d. West Shore Green Bay Northern Pike Habitat Project - \$305,815 – Jim Jolly:**

The Northern Pike is Wisconsin's second largest predator fish and is an important part of the Green Bay ecosystem and fish community. Northern Pike have become scarce in Green Bay due to wetland habitat losses, and in addition, fish encounter passage obstacles when leaving Green Bay to find spawning marshes. The LWCD has been successful in restoring Northern Pike habitat on private land in the Suamico and Little Suamico watersheds. This proposal seeks funding to continue work in Brown County and to support the transference of this project's success to other western Green Bay locales in both Brown and Oconto Counties.

**Motion made by Supervisor Haefs and seconded by Supervisor Kaster to receive and place on file 6a, b, c, & d.  
MOTION APPROVED UNANIMOUSLY**

7. **Land & Water Conservation Department Monthly Budget Update. (Copy will be provided at meeting):**

An updated budget report was distributed and is attached. Hafs reported that all budget categories are on track.

**Motion made by Supervisor Erickson and seconded by Supervisor Haefs to receive and place on file. MOTION APPROVED UNANMOUSLY**

8. **Wildlife Damage Control Program – Jon Bechle:**

a. **Wisconsin Deer Donation (Hunt for the Hungry):**

Jon Bechle pointed out information in packet material relative to a ten year summary of the Wisconsin Deer Hunt for the Hungry Program, stating that in 2009 deer donations have decreased.

b. **Damage Claims:**

There were nine damage claims submitted to the State in 2009 for approximately \$35,000. These claims are related to damage by deer, geese, and turkey.

c. **Green Bay Authorized Bow Hunt:**

Bechle reported that hunting at the Mental Health Center as part of the Green Bay Authorized Bow Hunt resulted in 12 deer being harvested.

**Motion made by Supervisor Kaster and seconded by Supervisor Erickson to receive and place on file. MOTION APPROVED UNANMOUSLY**

9. **Ozaukee County Resolution:**

This resolution is in support of the Attorney General and Governor of Wisconsin to pursue remedies to stop Asian Carp species from entering Lake Michigan and protect Wisconsin interests.

**Motion made by Supervisor Erickson and seconded by Supervisor Haefs to approve the concept of the resolution with appropriate changes relative to Brown County. MOTION APPROVED UNANMOUSLY**

10. **Wisconsin Land & Water Conservation Association Request for \$800 Special Assessment:**

Bill Hafs referred to an update from the Wisconsin Land & Water Conservation Board, which indicated that at the 2009 Annual Conference, because of a grim 2010 budget, members proposed a special assessment of \$800 per county. As of February 2010, 32 counties have provided funds for the special assessment. Hafs indicated that funds are available through the LCC budget grant dollars and, therefore, recommended approval.

Supervisor Haefs stated that because of the present economy and unemployment in the county, he would not support this request.

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to approve the \$800 special assessment to the Wisconsin Land & Water Conservation Association and that it be taken from LCC budget grant dollars.**

**Ayes: Dantinne, Erickson, Kaster**

**Nays: Haefs**

**MOTION APPROVED 3-1**

11. **Budget Adjustment Request (#10-02): Increase in expenses with offsetting increase in revenue:**

Hafs reported that the Land & Water Conservation Department received a grant from the US Fish & Wildlife Service to do work in the Village of Suamico through the Pike Habitat Project. The grant amount awarded was not fully spent or reimbursed in 2009 and is available to be used in the project area through 12/31/2011. It is anticipated that this money will be allocated to participating landowners and reimbursed to the County in 2010 for work done in the project area.

12. **Budget Adjustment Request (#10-31): Increase in expenses with offsetting increase in revenue:**

In late 2009, the Land & Water Conservation Department received an additional grant through the Natural Resources Damage Assessment to inventory Pike spawning numbers in the Suamico River Watershed as part of the Northern Pike Habitat Project. A limited term employee will be hired annually for 2 months (March-May) to do the inventory work. This grant totals \$20,000 over 4 years of which the remaining \$15,000 will be included in the departments' 2011 budget.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to approve #'s 11 and 12. MOTION APPROVED UNANMOUSLY**

13. **Director's Report:**

Bill Hafs addressed the following:

- Great Lakes Non-point Abatement Coalition (included in packet material), indicating that staff recommendation is to: 1) establish livestock density requirements; or 2) to help farmers with wastewater treatment on their facilities.
- A hearing on Senator Dave Hanson's draft for a law relating to karst legislation is scheduled for tomorrow, 3/23/10. Brown County has gone on record in support this legislation.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to receive and place on file.. MOTION APPROVED UNANMOUSLY**

- 13a. **Communication from Supervisor Scray re: With fears of revenue from State and Federal sources being cut, I am asking each Department Head to decide ahead of time where they could cut another 10%, if needed, while doing their budget process. This may include mandated services that department heads feel are not beneficial to County and the penalties are not severe.**

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to hold until the April 2010 meeting. MOTION APPROVED UNANIMOUSLY**

**14. Such Other Matters as Authorized by Law:**

A memo from Jayme Sellen, Legislative Assistant, regarding support for Senate Bill 632 was distributed and is attached. Ms. Sellen indicated that Brown County supports Senate Bill 632 which relates to the control of nonpoint source water pollution in certain areas with carbonate bedrock. This legislation will help industries that land apply various waste streams to avoid areas of carbonate bedrock also known as a karst feature. She added that Brown County has been working with several area businesses to provide a solution to the problem faced in southern Brown County – that being contamination of wells with bacteria, e-coli, and nitrates.

**Motion made by Supervisor Kaster and seconded by Supervisor Erickson to adjourn at 6:43 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel  
Recording Secretary

May 19, 2010

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION SUPPORTING THE ATTORNEY GENERAL AND GOVERNOR OF  
WISCONSIN TO PURSUE REMEDIES TO STOP ASIAN CARP SPECIES FROM  
ENTERING LAKE MICHIGAN AND PROTECT WISCONSIN INTERESTS**

**WHEREAS**, the State of Illinois constructed the Chicago Sanitary and Ship Canal over 100 years ago, connecting the Great Lakes Basin to the Mississippi River Basin in order to move Chicago's sewage away from Lake Michigan; and

**WHEREAS**, the Chicago Sanitary and Ship Canal, in addition to diverting billions of gallons of water from Lake Michigan each day, also opens up a channel between Lake Michigan and the Lower Mississippi River Basin; and

**WHEREAS**, Asian carp, an invasive, non-native species, have migrated north through the Mississippi River Basin, documented as advancing as close as 20 miles from Lake Michigan in the Chicago Sanitary and Ship Canal; and

**WHEREAS**, an invasion of Asian carp into Lake Michigan would devastate the Lake Michigan ecology and cause incalculable economic loss and irreversible damage to recreational fishing on the Great Lakes and the resulting tourism industry; and

**WHEREAS**, Asian carp would infest Lake Michigan tributary streams for purposes of spawning and rearing; and

**WHEREAS**, the well documented threat of invading Asian carp has been known to the



U.S. Army Corps of Engineers and state officials in Illinois for years; and

**WHEREAS**, the state of Illinois has constructed an inadequate and ineffective electric barrier to prevent Asian carp from migrating through the Chicago Sanitary and Ship canal; and

**WHEREAS**, the Chicago area navigational locks on the Chicago Sanitary and Ship Canal are the final barrier from which Asian carp can gain access to the Great Lakes Basin; and

**WHEREAS**, it is imperative that aggressive action be taken to safeguard the ecological and economic integrity of the Great Lakes; and

**WHEREAS**, Brown County is entirely in the Lake Michigan Drainage Basin, and the Green Bay and the Fox River are vital to the economy of Brown County; and

**WHEREAS**, Brown County residents and tourists have a strong connection to Lake Michigan and cherish the natural resources the Lake has to offer to its residents; and

**WHEREAS**, Brown County has a thriving tourism economy based on fishing, boating, recreation and the aesthetic beauty of the Fox River and Green Bay which brings in hundreds of thousands of dollars in revenue per year to the local economy; and

**WHEREAS**, Brown County is very concerned Asian carp will threaten the Fox River and Green Bay native fish species, and the ecology of the Fox River and Green Bay; and

**WHEREAS**, the United States Supreme Court denied the States of Michigan and Wisconsin's request for emergency relief aimed at preventing the invasion of Asian carp species into Lake Michigan.

**NOW THEREFORE BE IT RESOLVED** that the Brown County Board of Supervisors does support the Wisconsin Attorney General as he continues to pursue legal remedies to stop Asian carp species from entering Lake Michigan and to protect Brown County's interests; and

**BE IT FURTHER RESOLVED**, that the Brown County Board of Supervisors urges the Governor of Wisconsin to convince the President of the United States and the United States Congress to provide emergency relief by ordering closure of the navigational locks in the Chicago Sanitary and Ship Canal, and to support a study of ways of biologically separating the Chicago Sanitary and Ship Canal from Lake Michigan; and

**BE IT FURTHER RESOLVED**, by the Brown County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Governor of the State of Wisconsin, the Attorney General of the State of Wisconsin, Brown County's Legislative Representatives, to the Wisconsin Counties Association and to all other Wisconsin Coastal Counties urging adoption of a similar resolution.

Respectfully submitted

Brown County Land Conservation Committee

Approved By:

\_\_\_\_\_

COUNTY EXECUTIVE

Date Signed: \_\_\_\_\_

Final Draft Approved by Corporation Counsel

Fiscal Impact: \_\_\_\_\_

May 19, 2010

AN ORDINANCE TO AMEND CHAPTER 26 OF THE BROWN  
COUNTY CODE ENTITLED "ANIMAL WASTE MANAGEMENT"

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

**Section 1 -** Chapter 26 of the Brown County Code entitled "ANIMAL WASTE MANAGEMENT" is hereby amended to read as follows:

**26.08 DEFINITIONS.** Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Brown County Code.

"Abandonment" means a livestock waste storage facility is no longer being used for its intended purpose, and is no longer receiving animal wastes, has not received any animal wastes for a period of two years and, based on available evidence, will not receive animal wastes from an active livestock operation within the next six months.

"Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts. New animal feedlots are those that are established after the effective date of this ordinance.

"Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR243, which are fed, confined, maintained, or stabled in an animal feeding operation.

"Animal Waste" means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.

"Animal waste storage facility" means concrete, steel or otherwise fabricated structure and earthen animal waste storage facility used for temporary storage of animal waste or other organic waste.

"Applicant" means any person who applies for a permit under this ordinance.

"Earthen animal waste storage facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

“Karst Feature” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

“Land Conservation Committee” means an operating committee of the Brown County Board of Supervisors.

“Land Conservation Department” means the enforcing authority of this ordinance.

“Manure” means livestock excreta. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

“Nutrient Management Plan (590)” means a plan that balances the nutrient needs of crop with the nutrients available from legume crops, manure, fertilizers or other sources. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. The requirements for a nutrient management plan are as established in ATCP 50.04(3).

“Other Waste” means industrial waste as defined in NR214 Wis. Adm. Code, domestic sewage sludge as defined in NR204 Wis. Adm. Code, septic or holding tank waste as defined in NR113 Wis. Admin. Code or any other material processed and mixed with animal waste to be stored pursuant to the Brown County Animal Waste Management Ordinance.

“Pasture” means land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

“Permit” means the signed, written statement issued by the Brown County Land Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility or animal feedlot; or authorizing a winter spreading plan or unconfined manure pile.

“Permittee” means any person to whom a permit is issued under this ordinance.

“Person” means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

“Site that is susceptible to groundwater contamination” under s.281.16 (1)(g), Stats., means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.

(c) An area within 200 feet upslope or 100 feet downslope of karst features.

(d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where the soil does not exhibit one of the following soil characteristics:

1. At least a 2-foot soil layer with 40% fines or greater above groundwater or bedrock.

2. At least a 3-foot soil layer with 20% fines or greater above groundwater or bedrock.

3. At least a 5-foot soil layer with 10% fines or greater above groundwater or bedrock.

“Technical Guide” means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide that is currently in effect, and as amended from time to time.

“Unconfined Manure Pile” means a quantity of manure, at least 175 cu. Ft. in volume, that covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility.

“Waters of the State” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction as defined in Section 147.015(20) of the Wisconsin Statutes.

“Water Quality Management Areas” means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

“Winter Spreading Plan” means any plan developed and approved by the Brown County Land Conservation Department and provided to farmers, which identifies high risk fields that should be completely avoided or restricted from receiving winter applications of manure.

## **26.09 ADMINISTRATION.**

(1) Delegation of Authority. Brown County hereby designates the Brown County Land Conservation Department to administer and enforce this ordinance.

(2) Administrative Duties. In the administration and enforcement of this ordinance, the County Land Conservation Department shall:

(a) Keep an accurate record of all permit applications, animal waste facility plans, animal feedlot plans, animal waste storage facility abandonment plans, permits issued, inspections made, and other official actions.

(b) Review permit applications and issue permits in accordance with Section 26.10 of this ordinance.

(c) Inspect animal waste facility and animal feedlot construction and animal waste facility abandonment to insure the facility is being constructed according to plan specifications.

(d) Investigate complaints relating to compliance with the ordinance.

(e) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.

(f) Perform other duties as specified in this ordinance.

(3) Inspection Authority. The Brown County Land Conservation Department is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the Brown County Land Conservation Department shall be according to Sections 66.122 and 66.123, Wisconsin Statutes.

## **26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.**

(1) Permit Required.

(a) No animal waste storage facility, including a facility combining animal waste with other waste or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed, including abandonment, without an animal waste management permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(b) Animal feedlots that exceed the prohibitions in Section 26.11 of this ordinance, or exceed the standards in Section 10.04(1)(b) of the Brown County Code, or receive a notice of discharge under ch. 283 Wis. Statutes, or exceed 500 animal units shall obtain an animal waste management permit as provided in this ordinance.

(c) The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste management, such as Chapter 22 Brown County Code, Shoreland Floodplain Ordinance, and Chapter 10 Brown County Code, Agricultural Shoreland Management ordinance. In the case of conflict, the most stringent provisions shall apply.

(d) No person may apply animal waste or animal waste combined with other waste between December 1st and March 31<sup>st</sup> without first obtaining a winter spreading permit as provided in this ordinance. The winter spreading permit shall be issued after the completion of the winter spreading plan as described in this ordinance.

(e) No unconfined manure pile shall be utilized without a temporary unconfined manure stacking permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(2) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work shall be reported to the Land Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The County Land Conservation Department shall consult with the Land Conservation Committee prior to making this determination.

(3) Fee. The fee for a permit under this ordinance shall be established through the annual budget process.

(4) Animal Waste Storage Facility Plan Requirements. Each application for a permit under this section shall include an animal waste storage facility plan.

The plan shall specify:

(a) The number and kinds of animals for which storage is provided.

(b) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals one hundred (100) feet.

(c) The structural details, including dimensions, cross sections, and concrete thickness.

(d) The location of any wells within three hundred (300) feet of the facility.

(e) The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.

(f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock or sinkholes. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.

(h) The scale of the drawing and the North arrow.

(i) A time schedule for construction of the facility.

(j) A description of the method in transferring animal waste into the facility.

(k) A recoverable benchmark(s) including elevation(s) expressed in feet and hundredths.

(l) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed by the County for this purpose.

(m) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be completed by the county for this purpose.

(n) Prior to issuance of a permit, the landowner must disclose any intention to store animal waste with other waste in the storage facility.

(5) Animal Feedlot Plan Requirements. Each application for a permit under this section shall include an animal feedlot facility plan. The plan shall specify:

(a) A plan map showing location of the facility, including buildings, homes, and wells within 300 feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than 1 inch: 100 feet.

(b) The location of any wells within 300 feet of the facility.

(c) The location of all soil test pits, including a detailed log of each pit, to a depth of at least 3 feet below the planned bottom elevation of the facility. The location of each test pit, prior to digging, and the log descriptions of each pit, as it is excavated, shall be determined and recorded by Brown County Land Conservation Department staff.

(d) Depth of high ground water, estimated or observed, in the soil profile and date determined.



(e) Depth to bedrock, estimated or observed.

(f) Ground contours (2 foot maximum intervals), with spot elevations, indicating land slope at and around the site for a minimum distance of 100 feet.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within 500 feet of the proposed site must be shown. Rivers and streams in Brown County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on U.S. Geological Survey (USGS) quadrangle maps.

(h) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross sections of the facility, and any other specific details including, but not limited to, concrete thickness in floor and walls, steel schedules, and fencing.

(i) A time schedule for construction of the facility.

(j) Scale of the plan drawing(s) and north arrow.

(k) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(l) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be completed by the county for this purpose.

(6) Animal Waste Storage Facility Abandonment Plan Requirements. Each application for a permit under this section shall include an abandonment plan. The plan shall specify:

(a) The abandonment plan may include provisions for future operation of the animal waste storage facility. The facility shall meet the standards and specifications in Section 26.11 of the ordinance and shall have a permit issued under this ordinance. Facilities not meeting this requirement shall be properly abandoned under this section.

(b) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed by the county for this purpose.

(c) Provisions to remove and properly dispose of all accumulated wastes in the manure facility.

(d) Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(e) Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.

(f) Provisions to remove any soils, to the depth of significant manure saturation or 2 feet whichever is less, from the bottom and sides of a facility without a constructed liner.

(g) Provision to remove or permanently plug the waste transfer system serving the manure storage facility.

(h) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This subdivision does not apply if an alternative use of the site is authorized under an abandonment plan approved by the county or town as part of the permit.

(7) Winter Spreading Plan Requirements. Each application for a permit under this section shall include a Winter Spreading Plan. The plan shall specify:

(a) The lowest risk fields for the application of winter spread manure based on slope, length of slope, soils, and depth to bedrock.

(b) Specify rates of application and applicable setbacks from the nearest surface waters and/or direct conduit to groundwater as determined by Brown County Land Conservation Department.

(c) The plan must include a description of the emergency response procedures that will be engaged immediately in the event of direct runoff related to the spreading of animal waste.

(d) Only maps prepared by Brown County Land Conservation Department, using GIS technology, may be used to identify appropriate fields for animal waste applications.

(e) For the purpose of this practice winter spreading plans shall take effect no later than December 1st prior to the winter for which the plan is developed and continue through the following March 31st unless animal waste can be effectively incorporated.

(f) The landowner shall maintain an accurate record of the date, location, and rate of application for every application of manure on the land that is subject to the winter spreading permit. The record shall be made available to the Brown County Land Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

Transitional Provision.

~~Applicators/landowners of animal waste required to have a permit under s.26.10(d) in the Towns of Green Bay, Scott and Morrison shall notify the Brown County Land Conservation Department~~

~~by December 1, 2006 of their intent to comply. BCLCD shall work with the applicator/landowner to develop winter spreading plans in priority order based on the potential for off-site impacts. An applicator/landowner is considered to be in compliance for the 2006-2007 winter season provided they have contacted the department prior to December 1, 2006 and cooperates with the department in the development of the winter spreading plan.~~

~~Applicators/landowners required to have a permit under s.26.10 in the Towns of Glenmore, Holland, Humboldt and Wrightstown shall be required to obtain a winter spreading permit prior to December 1, 2007.~~

~~Applicators/landowners in all other areas of the county will be required to obtain a winter spreading permit prior to December 1, 2008.~~

(8) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include a site plan. The plan shall specify

- (a) Waste consistencies. Waste materials having less than 16% solids shall not be stacked in the field.
- (b) Size and stacking period.
- (c) Hydrologic Soil Groups.
- (d) Subsurface Separation Distance.
- (e) Surface Separation Distances.

(9) Review of Application. The County Land Conservation Department shall receive and review all permit applications.

(a) The County Land Conservation Department shall determine if the proposed facility meets the required standards set forth in Section 26.11 of this ordinance. Within sixty days after receiving the completed application and fee, the County Land Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Land Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the application. If the County Land Conservation Department fails to approve or disapprove the permit application in writing within sixty days of the receipt of the permit application or within thirty days of the receipt of additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(b) Prior to approval or disapproval of the permit application, the County Land Conservation Department shall submit a copy of the proposed plan(s) to the town office of the town where the site is located for their review and/or approval if appropriate.

(10) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

- (a) Design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 26.11 of this ordinance.
- (b) The permittee shall give five (5) working days notice to the County Land Conservation Department before starting any construction activity authorized by the permit.
- (c) Approval in writing must be obtained from the County Land Conservation Department prior to any modifications to the approved animal waste facility plan.
- (d) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the County Land Conservation Department within thirty days of completion of installation.
- (e) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.
- (f) Nutrient management plans shall be submitted to the Brown County Land Conservation Department annually by June 1.

(11) Permit Revocation. The County Land Conservation Department may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

## **26.11 STANDARDS AND SPECIFICATIONS.**

(1) Animal Feedlots. The standards and specifications for design, construction, operation and maintenance of animal feedlots are those identified in Standards 350 and 312, USDA-NRCS Technical Guide. Feedlots requiring a permit under this ordinance shall not deliver more than 20 pounds of phosphorus annually as determined by the County Land Conservation Department.

(2) Animal Feedlot Separation Requirements. All new animal feedlots shall be sited a minimum of 100 feet from adjacent properties, 300 feet from any lake or perennial stream (as defined by U.S.G.S. quadrangle maps), and at least 2 vertical feet from groundwater.

(3) Animal Waste Storage Facilities. The standards and specifications for design, construction, operation, and maintenance of animal waste storage facilities are those identified in Standards 313 and 634, USDA-NRCS Technical Guide. The Standards and Specifications for abandonment/closure of animal waste storage facilities are those identified in Standard 360, USDA-NRCS Technical Guide.

(a) NRCS Standard 313 Waste Storage (NRCS WI 12/05) III. Conditions Where Practice Applies. This standard does not apply to: facilities in which greater than 10% of the design storage volume or greater than 25,000 gallons is occupied by any combination of domestic waste, industrial wastewater generated offsite, or sludge. These types of facilities are defined and regulated under various codes administered by the Wisconsin Department of Natural Resources (WDNR).

(4) Animal Waste Storage Facilities Separation Requirements. All new animal waste storage facilities shall be sited a minimum of 250 feet from adjacent properties, 300 feet from any lake or perennial stream (as defined by USGS quadrangle maps), and at least 3 vertical feet from groundwater. Reception pits as part of the animal feedlot or buildings with underfloor storage shall be sited a minimum of 100 feet from adjacent properties.

(5) Nutrient Management. Animal wastes for which permits are issued under this chapter of the Code and all wastes from existing livestock waste storage facilities shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A current (590) Nutrient Management Plan must be submitted annually to the Brown County Land Conservation Department by June 1st, until the animal waste storage facility is no longer in use and it has been properly abandoned.

(a) ATCP 50.04 (3)(a)

(a) A landowner shall have and follow an annual nutrient management plan when applying nutrients to any field after the date specified in par. (h). A nutrient management plan shall comply with this subsection. (Register November 2006 No. 611)

ATCP 50.04 (3)(b)

(b) The plan shall include every field on which the landowner mechanically applies nutrients. (Register November 2006 No. 611)

ATCP 50.04 (3)(c)

(c) A nutrient management planner qualified under s.ATCP 50.48 shall prepare or approve the plan. (Register November 2006 No. 611)

ATCP 50.04 (3)(g)

(g) The plan shall be consistent with any nutrient management plan required under ch. NR 113, 204 or 214 if the landowner applies septage, municipal sludge, industrial waste or industrial byproducts to the land. A landowner is not required to have a nutrient management plan under this subsection if the landowner applies only septage, municipal sludge, industrial waste or industrial byproducts according to ch. NR 113, 204 or 214. (Register November 2006 No. 611)

Nutrient Management (acre) code 590 Natural Resources Conservation Service Conservation Practice Standard V. Criteria (NRCS WI, 9/05)

(j) Organic byproducts of other than manure (i.e., industrial wastes, municipal sludge, and septage) applied to fields shall be analyzed for nutrient content and applied in accordance with applicable regulations including restrictions on heavy metal content and land application rates.

(k) Manure, organic byproducts, and fertilizers shall not run off the field site during or immediately after application. If ponding, runoff or drainage to subsurface tiles occurs, implement the following activities as appropriate:

- (1) Stop application.
- (2) Take corrective action to prevent offsite movement.
- (3) Modify the application (rate, method, depth of injection, timing to eliminate runoff or draining to subsurface tiles.

(6) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include plan specifications identified in Standard 313, USDA - NRCS Technical Guide.

(7) Manure Management Prohibitions. The following prohibitions are incorporated into this ordinance:

(a) All livestock producers shall comply with this section.

(b) A livestock operation shall have no overflow of manure storage facilities.

(c) A livestock operation shall have no unconfined manure pile in a water quality management area.

(d) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.

(e) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.

1. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

**Section 2 -**

This ordinance shall become effective upon passage and publication.

Respectfully submitted,

LAND CONSERVATION COMMITTEE

Approved By:

\_\_\_\_\_  
COUNTY EXECUTIVE (Date)

\_\_\_\_\_  
COUNTY CLERK (Date)

\_\_\_\_\_  
COUNTY BOARD CHAIR (Date)

Final Draft Approved by Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
TUMPACH	1			
DE WANE	2			
NICHOLSON	3			
THEISEN	4			
KRUEGER	5			
HAEFS	6			
ERICKSON	7			
BRUNETTE	8			
ZIMA	9			
EVANS	10			
VANDER LEEST	11			
BUCKLEY	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
LA VIOLETTE	14			
ANDREWS	15			
KASTER	16			
VAN VONDEREN	17			
SCHULLER	18			
FLECK	19			
CLANCY	20			
WETZEL	21			
MOYNIHAN	22			
SCRAY	23			
CARPENTER	24			
LUND	25			
FEWELL	26			

Total Votes Cast \_\_\_\_\_

Motion:      Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_

## BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input type="checkbox"/> Category 2		
<input type="checkbox"/> a.	Change in Outlay not requiring the reallocation of funds from another major budget classification.	County Executive
<input type="checkbox"/> b.	Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Board
<input type="checkbox"/> Category 3		
<input type="checkbox"/> a.	Reallocation between budget classifications other than 2b or 3b adjustments.	County Executive
<input type="checkbox"/> b.	Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input checked="" type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

Increase	Decrease	Account #	Account Title	Amount
<input type="checkbox"/>	<input checked="" type="checkbox"/>	110.3300.200	Designated Subsequent Years Exp	\$34,652
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.5100	Regular Earnings	\$18,620
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.5110.100	Fringe Benefits FICA	\$1,532
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.6110.020	Outlay – Equipment (\$5,000+)	\$8,500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.5395	Equipment – Non-outlay	\$4,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.5310	Advertising and Public Notice	\$500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110.048.301.5340	Travel	\$1,500

**Narrative Justification:**

This adjustment creates a separate new budget for the Pike Project within the Land Conservation Grants fund in the amount of \$34,652.

In 2009 the department received a \$25,000 settlement from a landowner for an ordinance violation to be spent specifically on the project—this money was not included in the 2010 budget and was not spent in 2009. The remaining \$9,652 was from donations in 2009 for the West Shore Pike Project which also was not spent during the year.

William C. Hays  
Signature of Department Head

**AUTHORIZATIONS**

Sam King  
Signature of Executive

Department: Land and Water Conservation

Date: 3/24/10

Date: 3-24-10

OK  
Spencer  
3/24/10